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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,783	07/16/2003	Makoto Kanbe	4034-38	7811

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EXAMINER

DUDEK, JAMES A

ART UNIT PAPER NUMBER

2871

DATE MAILED: 11/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/619,783

Applicant(s)

KANBE ET AL.

Examiner

James A. Dudek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 1-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11 and 15-22 is/are rejected.
- 7) ☒ Claim(s) 12-14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5764324 ("324").

Per claim 11, 16, 18 and 20, 324 teaches a display device comprising: a display medium layer [LC]; and a first electrode [32] and a second electrode [38], which face each other with the display medium layer interposed between them [see figures], wherein the first electrode includes: a first conductive layer; wherein the second electrode includes: a second conductive layer; and wherein at least a portion of the first conductive layer has a different work function from the second conductive layer [the first function is reflective and the second is transmissive], and wherein a variation in potential difference between potential levels of the first and second electrodes right after the device has been exposed to light is about 10% or less of a voltage that is applied to display a grey-scale tone [the work function is made to be approximately equal, see last full paragraph in column 5]. Lacking is an explicit teaching of a first polymer film which covers the first conductive layer and which makes contact with the display medium layer and a second polymer film, which covers the second conductive layer and which makes contact with the display medium layer. However, 324's prior art teaches the use of polyimide alignment layers and furthermore they were well known for orienting liquid crystals. Accordingly, it

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would have been obvious to one of ordinary skill at the time of invention to combine the well known alignment layers with 324 to orient the liquid crystal molecules.

Per claim 15, 324 teaches the device of claim 11, but lack an explicit teaching that the first and second polymer films exhibit a transmittance of about 97% or more with respect to incoming light having a wavelength of about 400 nm to about 500 nm. However, it was well known to want to transmit as much of the light as possible in order to improve the efficiency of the display. Accordingly, it would have been obvious to one of ordinary skill at the time of invention to combine a high transmittance polymer alignment layer with 324.

Per claim 17, 324 teaches the device of claim 16, but lacks another transparent conductive layer, which is provided as a third conductive layer in the first electrode. However it was well known to use a third transparent layer in order to make a transfective display. Accordingly, it would have been obvious to one of ordinary skill at the time of invention to combine a second transmissive electrode with 324.

Per claims 19 and 21-22, 324 teaches the device of claim 11, wherein an AC voltage, which includes an additional offset voltage and which changes its polarity at regular intervals, is applied to the display medium layer, a voltage being applied to the display medium layer for display purposes is updated at a frequency of about 45 Hz or less. and a mobile electronic appliance. These limitations are intended use for the display and 324 is capable of being used in this manner.

Allowable Subject Matter

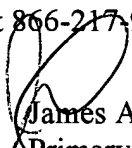
Claims 12-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Dudek whose telephone number is 571-272-2290. The examiner can normally be reached on 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



James A. Dudek
Primary Examiner
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